

226922

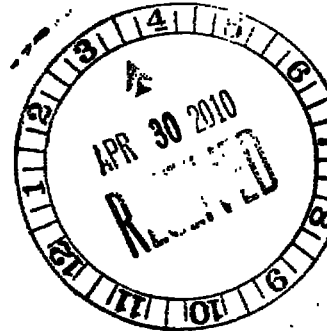
**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

April 30, 2010

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423



RE: Docket No. AB-55 (Sub-No. 701X), *CSX Transportation, Inc.—
Abandonment Exemption—in Vigo County, IN*

Dear Ms. Brown:

Enclosed are the original and 10 copies of a Petition for Exemption for abandonment in the above-entitled proceeding and a filing fee of \$6,400. Exhibit H of the Petition contains color Exhibits. Also enclosed is a computer diskette containing the Petition in Word and pdf format.

Please time and date stamp the additional copy of this letter and the Petition and return them with our messenger. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours,

Louis E. Gitomer
Attorney for: CSX Transportation, Inc.

FEE RECEIVED
APR 30 2010
**SURFACE
TRANSPORTATION BOARD**

Enclosures

ENTERED
Office of Proceedings
APR 30 2010
Part of
Public Record

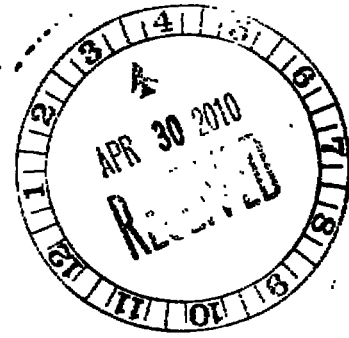
FILED
APR 30 2010
**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 701X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN VIGO COUNTY, IN

PETITION FOR EXEMPTION



Steven Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

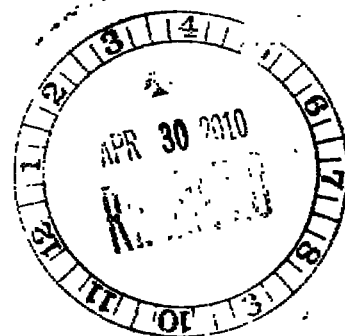
Louis E. Gitomer, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou_Gitomer@verizon.net

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: April 30, 2010

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 701X)



CSX TRANSPORTATION, INC.– ABANDONMENT EXEMPTION–
IN VIGO COUNTY, IN

PETITION FOR EXEMPTION

CSX Transportation, Inc. (“CSXT”) petitions the Surface Transportation Board (the “Board”) to exempt, under 49 U.S.C. §10502, CSXT’s abandonment of a 3.71-mile rail line on its Southern Region, Nashville Division, CE&D Subdivision between milepost QST 1.42 (Park Street), and milepost QST 5.13 (Spring Hill), all in Terre Haute, Vigo County, IN (the “Line”), from the prior approval requirements of 49 U.S.C. §10903. The Line contains the International Paper Lead, and portions of the Graham Grain Lead and the 1st Street Lead.

CSXT is seeking abandonment of the Line because the sole shipper on the Line has decided that it no longer requires CSXT to provide common carrier rail service to its facility and to reduce CSXT’s costs.

PROPOSED TRANSACTION

CSXT proposes to abandon a 3.71-mile rail line on its Southern Region, Nashville Division, CE&D Subdivision between milepost QST 1.42 (Park Street), and milepost QST 5.13 (Spring Hill), all in Terre Haute, Vigo County, IN. The Line contains the International Paper Lead, and portions of the Graham Grain Lead and the 1st Street Lead. The Line traverses Zip Code 47802. A map of the Line is attached as Exhibit A. Exhibit B consists of the Environmental Report and Exhibit C consists of the Historic Report. The draft Federal Register

Notice is in Exhibit D, and copies of the newspaper publication and the required certification are in Exhibit E. A letter of support from the Gavilon, Inc. (“Gavilon”), the only shipper on the Line is in Exhibit F. The certificate of service is in Exhibit G. Colored exhibits are contained in Exhibit H.

Based on information in CSXT’s possession, the Line does not contain federally granted right-of-way. Any documentation in CSXT’s possession concerning title will be made available to those requesting it. There are no stations on the Line.

BACKGROUND

Upon receiving abandonment authority for the Line, CSXT intends to reclassify the 1.35 miles of track between milepost QST 1.42 (Park Avenue) and milepost QST 2.77 (Helen Avenue) to excepted track (the “Gavilon Track”). The Gavilon Track serves Gavilon, Inc. (“Gavilon”), the only shipper on the Line. As can be seen on the Map in Exhibit A, after abandonment, CSXT will connect to the Gavilon Track at its northern end and the Indiana Rail Road Company will connect to the Gavilon Track near the southern end. Gavilon has submitted a letter indicating that it does “not oppose the proposed abandonment.” See Exhibit F.

CSXT has received expressions of interest from the City of Terre Haute and Vigo County about converting the remaining 2.36 miles of track between milepost QST 2.77 (Helen Avenue) and milepost QST 5.13 (Spring Hill) (the “Trail Track”) into a trail. There are no shippers on the Trail Track. The Trail Track will connect to the national rail system at its southern end. CSXT expects a request for interim trail use/rail banking to be filed and CSXT plans to agree to negotiation for interim trail use/rail banking of the Trail Track.

CSXT, Gavilon, and the local governments will all benefit as a result of the proposed abandonment.

CSXT will avoid the costs of operating and maintaining the Line. In addition, through the transfer of the Line as explained above, CSXT will also avoid opportunity costs for the Line. Finally, CSXT will benefit from cooperating with one of its shippers.

Gavilon will be able to obtain service specifically tailored to its needs without fear of interference because post-abandonment common carrier service will not be required over the Gavilon Track. No user of rail service on the Line will be harmed.

Finally, the City of Terre Haute and Vigo County will benefit from the creation of a trail in the City of Terre Haute.

In short, abandonment will reduce a burden on CSXT, will result in the service specifically sought by Gavilon, and will lead to the creation of an urban trail in the City of Terre Haute near the Wabash River.

CSXT contends that in balancing the reduced burden to itself and interstate commerce against the absence of harm to shippers and local interests, the balance clearly favors abandonment. Indeed, local interests will benefit from the abandonment.

ARGUMENT SUPPORTING THE ABANDONMENT

CSXT seeks an exemption under 49 U.S.C. § 10502 from the applicable requirements of 49 U.S.C. §10903 in order to abandon the Line.

Under 49 U.S.C. §10502, the Board must exempt a transaction from regulation when it finds that:

(1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and

(2) either:

(a) the transaction is of limited scope, or

(b) regulation is not necessary to protect shippers from the abuse of market power.

The legislative history of Section 10502 reveals a clear Congressional intent that the Board should liberally use its exemption authority to free certain transactions from the administrative and financial costs associated with continued regulation. In enacting the Staggers Rail Act of 1980, Pub. L. No. 96-488, 94 Stat. 1895, Congress encouraged the Board's predecessor agency to liberally use the expanded exemption authority under former Section 10505:

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemption from remaining regulation.

H.R. Rep No. 1430, 96 the Cong. 2d Sess. 105 (1980). See also *Exemption From Regulation--Boxcar Traffic*, 367 I.C.C. 424, 428 (1983), vacated and remanded on other grounds, *Brae Corp. v. United States*, 740 F.2d 1023 (D.C. Cir 1984). Congress reaffirmed this policy in the conference report accompanying the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which re-enacted the rail exemption provision as Section 10502. H.R. Rep. No. 422, 104th Cong., 1st Sess. 168-69 (1995).

A. The Application of 49 U.S.C. §10903 Is Not Necessary to Carry Out the Rail Transportation Policy

Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption would minimize the unnecessary expense associated with the preparation and filing of a formal abandonment application, expedite regulatory decisions and reduce regulatory barriers to exit. 49 U.S.C. §10101 (2) and (7). The abandonment by CSXT will result

in no loss of rail service. The only shipper on the Line, Gavilon, does not oppose the abandonment.

Granting this exemption, therefore, fosters sound economic conditions and encourages efficient management by permitting the rationalization of an unnecessary common carrier rail line. 49 U.S.C. §10101 (3), (5) and (9).

Other aspects of the rail transportation policy are not adversely affected. For example, competition and the continuation of a sound rail transportation system are not affected since the public will not be deprived of any needed rail services and the shipper on the Line will be able to tailor the rail service to its needs.

B. This Transaction Is Of Limited Scope

The proposed transaction is of limited scope. CSXT seeks to abandon a 3.71-mile line in one county in Indiana.

C. This Transaction Will Not Result In An Abuse Of Market Power.

CSXT is abandoning the Line. Gavilon, the only shipper on the Line, supports the abandonment. After CSXT consummates the abandonment and reclassifies the Gavilon Track, Gavilon contemplates the lease or purchase of the Gavilon Track to allow Gavilon to control the continued or possibly increased rail use of the Gavilon Track. Gavilon will continue to receive rail service and will be able to control the service over the Gavilon Track. Since the shipper will continue to receive rail service tailored to its specific needs, the proposed abandonment will not result in an abuse of market power.

ENVIRONMENTAL REPORT

The Environmental Report is in Exhibit B.

HISTORIC REPORT

The Historic Report is in Exhibit C.

FEDERAL REGISTER NOTICE

The draft Federal Register notice is attached hereto as Exhibit D.

LABOR PROTECTION

The interests of railroad employees of CSXT who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co.--Abandonment--Goshen*, 360 I.C.C. 91 (1979).

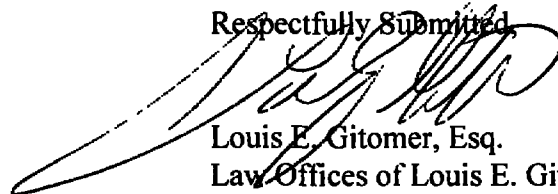
CONCLUSION

Application of the regulatory requirements and procedures of 49 U.S.C. §10903 to the abandonment of the Line proposed by CSXT is not required to carry out the rail transportation policy set forth in 49 U.S.C. §10101, as previously shown. Nor is Board regulation required to protect shippers from the abuse of market power. Moreover, this abandonment is of limited scope.

Accordingly, CSXT respectfully urges the Board to grant an exemption for the proposed abandonment of the Line.

Steven Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Respectfully Submitted,

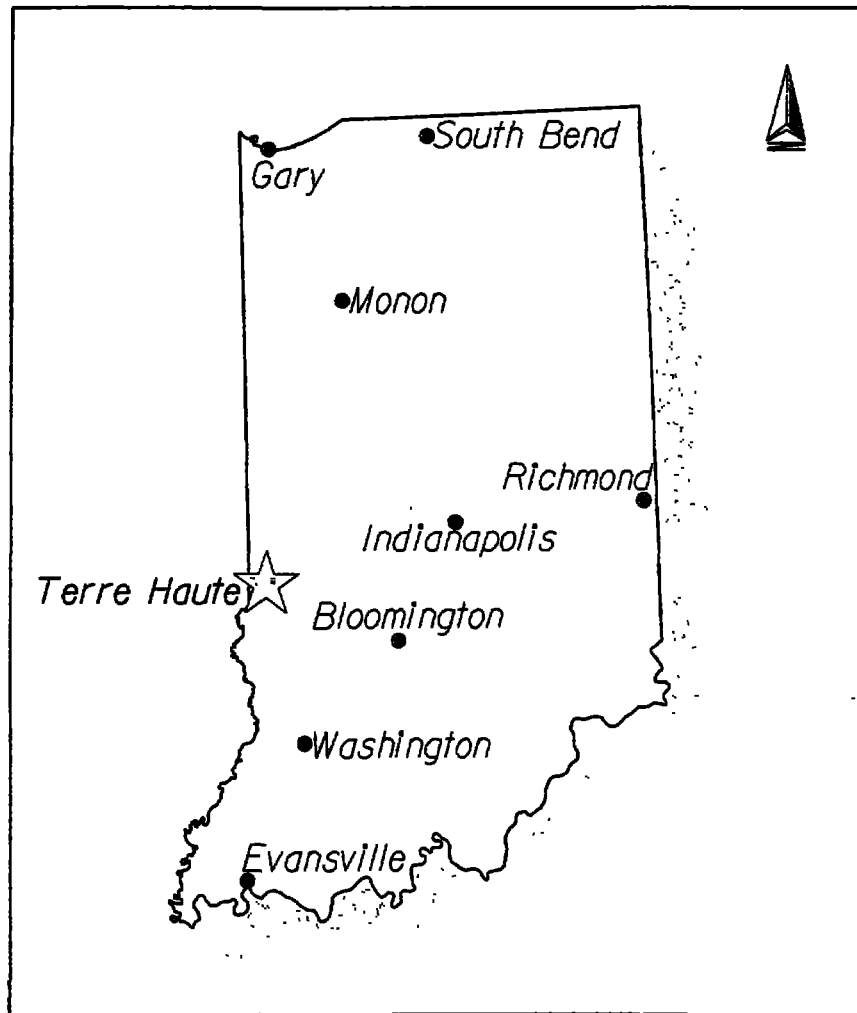


Louis E. Gitomer, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou_Gitomer@verizon.net

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: April 30, 2010

EXHIBIT A—MAP



AREA MAP

- Proposed Abandonment -
A Portion of the 1st Street Lead, the IP Lead
& the Graham Grain Lead Track,
Milepost QST 1.42 (at Park St.) to QST 5.13 (Spring Hill),
a distance of 3.71 miles,
Terre Haute, Vigo County, Indiana

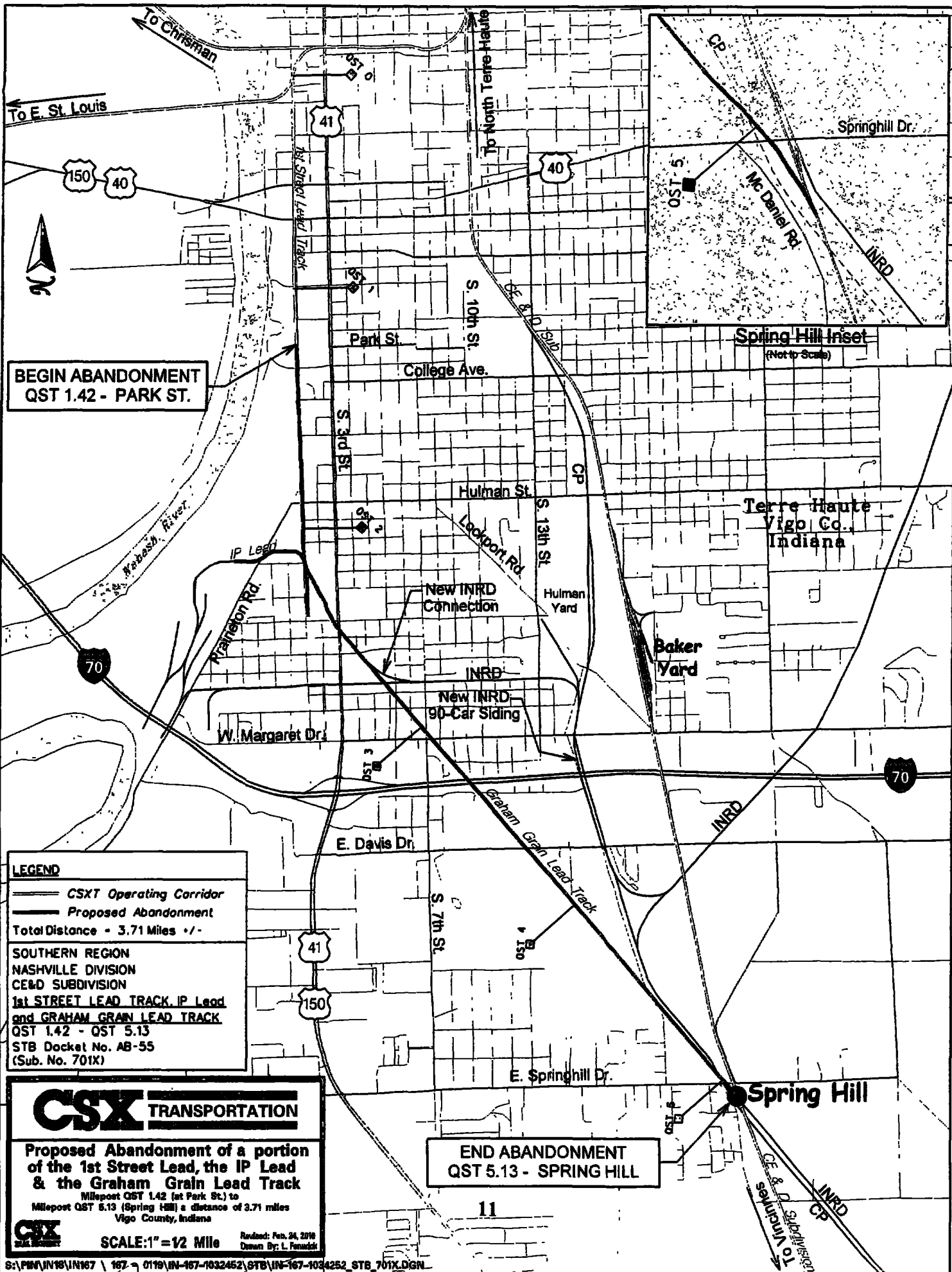
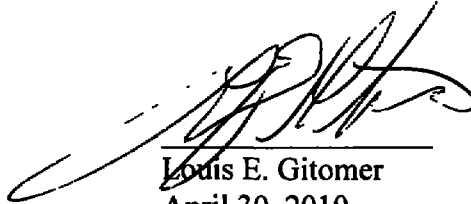


EXHIBIT B—ENVIRONMENTAL REPORT

CERTIFICATE OF SERVICE OF ENVIRONMENTAL REPORT

Pursuant to the requirements of 49 C.F.R. §1105.7(c) and .11, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 701X) was mailed via first class mail on March 26, 2010 to the parties listed on the following page.



Louis E. Gitomer
April 30, 2010

**CSX Proposed Abandonment (AB 55 Sub No. 701X)
Graham Grain Lead, Terre Haute, Vigo County, Indiana
External Distribution List**

Mr. Steve Witt, President
Terre Haute & Vigo County Economic
Development Corporation
630 Wabash Avenue
Suite 101
Terre Haute, IN 47807

Mr. Duke Bennett, Mayor
City of Terre Haute
1700 Harding Ave
Terre Haute, IN 47807

Mr. Ron Hinsencamp
West Central Indiana Economic
Development District
1718 Wabash Avenue
Terre Haute, IN 47807

U.S. Environmental Protection Agency
Region 5
Attn: Mr. Ken Westlake (B19J)
77 West Jackson Blvd.
Chicago, IL 60604

Mr. Paul Higginbotham, Chief
Indiana Department of Environmental
Management
100 North Senate Street
Room N1255
Indianapolis, IN 46204-2222

Mr. Scott Pruitt
U.S. Fish & Wildlife Commission
Bloomington Field Office
620 South Walker Street
Bloomington, IN 47403

President – Vigo County Board of
Commissioners
Vigo County Annex
121 Oak Street
Terre Haute, IN 47807

Ms. Susanne Davis
Chief of Planning
U.S. Army Corps of Engineers
Chicago District
111 North Canal Street
Suite 600
Chicago, IL 60606-7206

USDA – NRCS
Terre Haute Service Center
3241 South 3rd Place
Terre Haute, IN 47802

National Park Service
Midwest Region
Regional Director
601 Riverfront Drive
Omaha, NE 68102

Ms. Christie Stanifer
Indiana Department of Natural
Resources
402 West Washington – Room W264
Indianapolis, IN 46204-2784

Railroad Section Manager
Indiana Department of Transportation
Multimodal Division
620 South Walker Street
Bloomington, IN 47403

National Geodetic Service (NOAA) at
'NGS.InfoCenter@noaa.gov' (via email)

Mr. Gene Reibel
Gavilon Grain
11 ConAgra Drive
Omaha, NE 68102

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
1st Street Lead, Graham Grain Lead
and the International Paper Lead,
Terre Haute, Vigo County, Indiana
DOCKET AB-55 (SUB-NO. 701X)**

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSXT (Applicant) proposes to abandon approximately 3.71 miles of its rail line from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 5.13 (Spring Hill) known as a portion of the 1st Street Lead, Graham Grain Lead and the International Paper Lead in Terre Haute, Vigo County, Indiana.

It is Applicant's intention to abandon and subsequently reclassify approximately 1.35 miles of the proposed abandonment from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 2.77 (Helen Avenue) including the International Paper Lead. The Line has had only one customer, Gavilon Grain, over the last several years. Reclassification of the line will allow Applicant to lease or sell this segment of the Line so that Gavilon Grain can use the Line to receive rail service without becoming a common carrier.

Abandonment of the remaining 2.36 miles of the line from Railroad Milepost QST 2.77 (Helen Avenue) to Railroad Milepost QST 5.13 (Spring Hill) will result in the removal of the rail, cross-ties, and possibly the upper layer of ballast. Applicant does not intend to disturb any sub-grade or sub-grade structures. Operations and maintenance of this line will cease. However, the corridor has been proposed to become a rails-to-trails by the City of Terre Haute and Vigo County.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2)

A distribution list of all parties that have been copied on the proposed transaction has also been enclosed. (See Attachment 3)

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on this line and there will be no effect on freight traffic. Therefore, no effect on existing regional or local transportation systems or patterns is expected.

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

Applicant has not received a response to its inquiry dated March 10, 2010 to Mr. Steve Witt of the Terre Haute & Vigo County Economic Development Corporation, Mr. Duke Bennett – Mayor of the City of Terre Haute or Mr. Ron Hinsencamp of the West Central Indiana Economic Development District requesting information regarding this statement. (See Attachments 4 through 6)

Based on an existing agreement between the parties, Applicant does not believe that the proposed action is inconsistent with any existing or future land use plans.

- (ii) Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

Applicant received a response dated March 19, 2010 from Mr. Eddy Adama of the U. S. Department of Agriculture, Natural Resources Conservation Service in Terre Haute, Indiana stating "...the proposed activity will not have any significant affect..." (See Attachment 7)

While some prime farmland may exist in the vicinity of this project, Applicant feels the simple removal of track material should not have an adverse impact.

- (iii) **If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

Applicant received an email dated March 30, 2010 from Ms. Christie Stanifer of the Indiana Department of Natural Resources in Indianapolis, Indiana stating "...the review is in process and a formal response will be forthcoming." (See Attachment 8)

Applicant does not feel that the simple removal of track material should have any adverse impact on land or water uses.

- (iv) **If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

The properties, proposed to be abandoned, may be suitable for other public purposes, but may be subject to reversionary interests that may affect the transfer of title for other than rail purposes.

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the transportation of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) **If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage in excess of the above thresholds.

(5) AIR

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of at least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

Applicant believes that the abandonment will result in an improvement to public health and safety by the elimination of eight (8) at-grade crossings.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.**

Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.**

Applicant's records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment.

(8) BIOLOGICAL RESOURCES

- (i) Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

Applicant received a response dated March 23, 2010 from Mr. Scott Pruitt of the U. S. Fish and Wildlife Commission in Bloomington, Indiana stating "...the U.S. Fish and Wildlife Service has no objections to the project as currently proposed." (See Attachment 9)

Applicant does not feel that the simple removal of track material should have any adverse impact on any endangered or threatened species.

- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

Since Applicant proposes only the simple removal of track material, no adverse impact is anticipated.

(9) WATER

- (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

Applicant has not received a response from its letter dated March 10, 2010 to Mr. Paul Higginbotham of the Indiana Department of Environmental Management in Indianapolis, Indiana seeking information regarding this statement. (See Attachment 10)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (ii) Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its inquiry dated March 10, 2010 to Ms. Susanne Davis of the U. S. Army Corps of Engineers in Chicago, Illinois, requesting information regarding this statement. (See Attachment 11)

Applicant is not aware of any designated wetlands or 100-year flood plains within the proposed project.

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials

from entering any waterways.

Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

Applicant has not received a response to its inquiry dated March 10, 2010 to Mr. Ken Westlake of the U.S. Environmental Protection Agency – Region 5 in Chicago, Illinois requesting information regarding this statement. (See Attachment 12)

Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Applicant does not anticipate any adverse environmental impacts in the project area as a result of this abandonment, however, if mitigation is necessary, Applicant will comply with State and Federal regulations and obtain any necessary permits required.



AREA MAP

- Proposed Abandonment -
A Portion of the Graham Grain Lead
QST 2.77 to QST 5.13 - 2.36 Miles
Terre Haute, Vigo County, Indiana

Attachment 3

CSX Proposed Abandonment (AB 55 Sub No. 701X) Graham Grain Lead, Terre Haute, Vigo County, Indiana External Distribution List

Mr. Steve Witt, President
Terre Haute & Vigo County Economic
Development Corporation
630 Wabash Avenue
Suite 101
Terre Haute, IN 47807

Mr. Duke Bennett, Mayor
City of Terre Haute
1700 Harding Ave
Terre Haute, IN 47807

Mr. Ron Hinsencamp
West Central Indiana Economic
Development District
1718 Wabash Avenue
Terre Haute, IN 47807

U.S. Environmental Protection Agency
Region 5
Attn: Mr. Ken Westlake (B19J)
77 West Jackson Blvd.
Chicago, IL 60604

Mr. Paul Higginbotham, Chief
Indiana Department of Environmental
Management
100 North Senate Street
Room N1255
Indianapolis, IN 46204-2222

Mr. Scott Pruitt
U.S. Fish & Wildlife Commission
Bloomington Field Office
620 South Walker Street
Bloomington, IN 47403

President - Vigo County Board of
Commissioners
Vigo County Annex
121 Oak Street
Terre Haute, IN 47807

Ms. Susanne Davis
Chief of Planning
U.S. Army Corps of Engineers
Chicago District
111 North Canal Street
Suite 600
Chicago, IL 60606-7206

USDA - NRCS
Terre Haute Service Center
3241 South 3rd Place
Terre Haute, IN 47802

National Park Service
Midwest Region
Regional Director
601 Riverfront Drive
Omaha, NE 68102

Ms. Christie Stanifer
Indiana Department of Natural
Resources
402 West Washington - Room W264
Indianapolis, IN 46204-2784

Railroad Section Manager
Indiana Department of Transportation
Multimodal Division
620 South Walker Street
Bloomington, IN 47403

National Geodetic Service (NOAA) at
'NGS.InfoCenter@noaa.gov' (via email)

Mr. Gene Reibel
Gavilon Grain
11 ConAgra Drive
Omaha, NE 68102

Attachment 4



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_Magruder@CSX.com

Ray Magruder
Manager - Network Rationalization

March 10, 2010

Mr. Steve Witt, President
Terre Haute & Vigo County Economic Development Corporation
630 Wabash Avenue
Suite 101
Terre Haute, IN 47807

Dear Mr. Witt:

Please be advised that CSX Transportation (CSXT), Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 5.13 (Spring Hill) including the International Paper Lead, a combined distance of 3.71 miles known as a portion of the 1st Street Lead, Graham Grain Lead and the International Paper Lead in Terre Haute, Vigo County, Indiana, as depicted on the attached map.

It is CSXT's intention to abandon and subsequently reclassify approximately 1.35 miles of the proposed abandonment from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 2.77 (Helen Avenue) including the International Paper Lead. The Line has had only one customer, Gavilon Grain, over the last several years. The reclassification of the line will allow CSXT to lease or sell this segment of the Line so that Gavilon Grain can use the Line to receive rail service without becoming a common carrier.

The remaining 2.36 miles of the line from Railroad Milepost QST 2.77 (Helen Avenue) to Railroad Milepost QST 5.13 (Spring Hill) has been proposed to become a rails-to-trails by the City of Terre Haute and Vigo County.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that CSXT develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

CSXT would appreciate your advice as to the existence of a long-range comprehensive planning map for Vigo County and the line's relationship to such planning.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Magruder", written over a horizontal line.

Attachment



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 833-1542
FAX: (904) 245-3923
E-Mail: Ray_Magruder@CSX.com

Ray Magruder
Manager - Network Rationalization

March 10, 2010

Mr. Ron Hinsencamp
West Central Indiana Economic Development District
1718 Wabash Avenue
Terre Haute, IN 47807

Dear Mr. Hinsencamp:

Please be advised that CSX Transportation (CSXT), Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 5.13 (Spring Hill) including the International Paper Lead, a combined distance of 3.71 miles known as a portion of the 1st Street Lead, Graham Grain Lead and the International Paper Lead in Terre Haute, Vigo County, Indiana, as depicted on the attached map.

It is CSXT's intention to abandon and subsequently reclassify approximately 1.35 miles of the proposed abandonment from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 2.77 (Helen Avenue) including the International Paper Lead. The Line has had only one customer, Gavilon Grain, over the last several years. The reclassification of the line will allow CSXT to lease or sell this segment of the Line so that Gavilon Grain can use the Line to receive rail service without becoming a common carrier.

The remaining 2.36 miles of the line from Railroad Milepost QST 2.77 (Helen Avenue) to Railroad Milepost QST 5.13 (Spring Hill) has been proposed to become a rails-to-trails by the City of Terre Haute and Vigo County.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that CSXT develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

CSXT would appreciate your advice as to the existence of a long-range comprehensive planning map for Vigo County and the line's relationship to such planning.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Magruder", written over a horizontal line.

Attachment



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_Magruder@CSX.com

Ray Magruder
Manager - Network Rationalization

March 10, 2010

Mr. Duke Bennett, Mayor
City of Terre Haute
1700 Harding Ave
Terre Haute, IN 47807

Dear Mayor Bennett:

Please be advised that CSX Transportation (CSXT), Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 5.13 (Spring Hill) including the International Paper Lead, a combined distance of 3.71 miles known as a portion of the 1st Street Lead, Graham Grain Lead and the International Paper Lead in Terre Haute, Vigo County, Indiana, as depicted on the attached map.

It is CSXT's intention to abandon and subsequently reclassify approximately 1.35 miles of the proposed abandonment from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 2.77 (Helen Avenue) including the International Paper Lead. The Line has had only one customer, Gavilon Grain, over the last several years. The reclassification of the line will allow CSXT to lease or sell this segment of the Line so that Gavilon Grain can use the Line to receive rail service without becoming a common carrier.

The remaining 2.36 miles of the line from Railroad Milepost QST 2.77 (Helen Avenue) to Railroad Milepost QST 5.13 (Spring Hill) has been proposed to become a rails-to-trails by the City of Terre Haute and Vigo County.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that CSXT develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

CSXT would appreciate your advice as to the existence of a long-range comprehensive planning map for the City of Terre Haute and the line's relationship to such planning.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Magruder", written over a horizontal line.

Attachment



Honey Creek West
3241 South 3rd Place
Terre Haute, IN 47802-5252
Phone 812-232-0193 Ext 3

Attachment 7

March 19, 2010

To: Ray Magruder, Manager – Network Rationalization
CSX Transportation
500 Water Street – J200
Jacksonville, FL 32202

Subject: Response to March 10, 2010 Request for Proposed Activity on Prime Farmland
Vigo County, Indiana

Dear Mr. Magruder

Thank you for this opportunity to correspond with CSX concerning this matter.

After an on-site field visit, personal familiarity and review of USDA, NRCS Prime Farmland soil mapping units of the concerned railroad leads for abandonment, the proposed activity will not have any significant affect to “prime farmland” soils and fields throughout all linear sections within your project area.

Although prime farmland soils may exist within the area, there are no longer crop fields present throughout the entire reaches of your project hence, due to the urban build-up, commercial and residential development replacement.

NRCS and the local Vigo County Soil and Water Conservation District are pleased that CSX, the City of Terre Haute, Vigo County and others are working together to salvage the right-of-way for future pedestrian usage for recreational, work related and potential commercial development.

Our office is supportive with similar endeavors throughout Vigo County and West-Central Indiana where we work together on a daily basis to conserving our agricultural backbone to the communities and creating a better environment where can work, live and play.

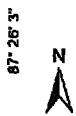
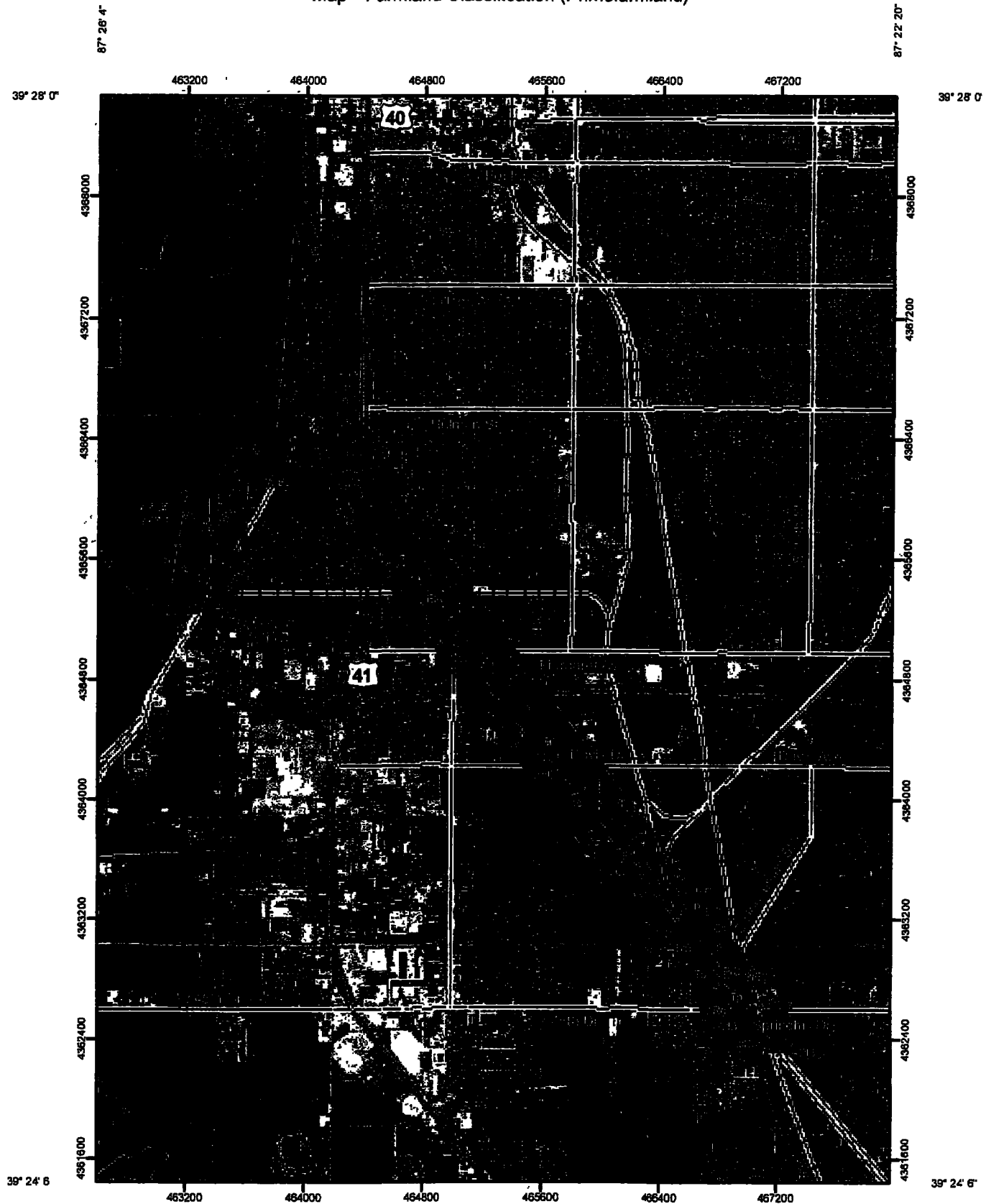
Please don't hesitate to contact me if I can be of further assistance.

Sincerely,

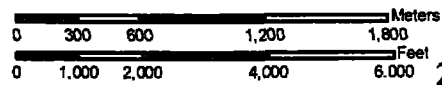
A handwritten signature in black ink that reads "Eddy Adams".

Eddy Adams
District Conservationist

Custom Soil Resource Report Map—Farmland Classification (Primefarmland)



Map Scale 1:34,400 if printed on A size (8 1/2" x 11") sheet



Custom Soil Resource Report

Table—Farmland Classification (Primefarmland)

Farmland Classification— Summary by Map Unit — Vigo County, Indiana				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
AdB	Ade loamy fine sand, 2 to 6 percent slopes	Not prime farmland	28.6	3.4%
AdC	Ade loamy fine sand, 6 to 12 percent slopes	Not prime farmland	0.9	0.1%
Ay	Ayrshire fine sandy loam	Prime farmland if drained	9.2	1.1%
BIB	Bloomfield loamy fine sand, 2 to 6 percent slopes	Not prime farmland	15.2	1.8%
BIC	Bloomfield loamy fine sand, 6 to 12 percent slopes	Not prime farmland	2.9	0.3%
Cr	Crane silt loam	Prime farmland if drained	60.7	7.2%
EIA	Elston sandy loam, 0 to 2 percent slopes	All areas are prime farmland	417.4	49.2%
EIB	Elston sandy loam, 2 to 6 percent slopes	All areas are prime farmland	110.5	13.0%
Ge	Genesee silt loam	Prime farmland if protected from flooding or not frequently flooded during the growing season	0.0	0.0%
Ma	Made land	Not prime farmland	28.7	3.4%
Pe	Petrolia silty clay loam	Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season	17.2	2.0%
PrB	Princeton fine sandy loam, 2 to 6 percent slopes	All areas are prime farmland	8.6	1.0%
PrE2	Princeton fine sandy loam, 18 to 25 percent slopes, eroded	Not prime farmland	1.3	0.2%
Rg	Rensselaer loam	Prime farmland if drained	10.7	1.3%
Sh	Shoals silt loam	Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season	0.1	0.0%
St	Strip mines	Not prime farmland	8.1	1.0%
Tp	Tippecanoe silt loam	All areas are prime farmland	13.6	1.6%
W	Water	Not prime farmland	0.9	0.1%
WrA	Warsaw sandy loam, 0 to 2 percent slopes	All areas are prime farmland	96.3	11.3%
WrB2	Warsaw sandy loam, 2 to 6 percent slopes, eroded	All areas are prime farmland	6.3	0.7%
Wx	Whitaker loam	Prime farmland if drained	11.2	1.3%
Totals for Area of Interest			848.4	100.0%

MAP LEGEND

	Area of Interest (AOI)		Prime farmland if subsoiled, completely removing the root inhibiting soil layer
	Area of Interest (AOI)		Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
	Soil Map Units		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Soil Ratings		Farmland of statewide importance
	Not prime farmland		Farmland of local importance
	All areas are prime farmland		Farmland of unique importance
	Prime farmland if drained		Not rated or not available
	Prime farmland if protected from flooding or not frequently flooded during the growing season		
	Prime farmland if irrigated		
	Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season		
	Prime farmland if irrigated and drained		
	Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		

Political Features

● Cities

Water Features

Oceans

Streams and Canals

Transportation

Rails

Interstate Highways

US Routes

Major Roads

MAP INFORMATION

Map Scale: 1:34,400 if printed on A size (8.5" x 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 16N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Vigo County, Indiana
Survey Area Data: Version 13, Aug 11, 2009

Date(s) aerial images were photographed: 7/30/2003, 7/16/2003

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Magruder, Ray

From: Stanifer, Christie [cstanifer@dnr.IN.gov]
Sent: Tuesday, March 30, 2010 11:52 AM
To: Magruder, Ray
Subject: ER-14803, Vigo Co

Dear Mr. Magruder:

This is a standard informational email in response to your request for an Environmental Review, which was received on March 15, 2010 for the following project:

Proposed abandonment of the rail line from milepost QST 1.42 (Park Ave) to milepost QST 5.13 (Spring Hill) including the International Paper Lead, Terre Haute

We would like you to know that the review is in process and a formal response will be forthcoming. Please refer to the ER number in the subject line on all future correspondence regarding this project.

If you have any questions or comments, please contact Christie Stanifer at cstanifer@dnr.in.gov, or at the numbers below.

Christie L. Stanifer
Environmental Coordinator
Indiana Department of Natural Resources
402 West Washington St., Room W264
Indianapolis, IN 46204-2641
(317) 232-4160
Toll free: 1-877-928-3755
Fax: (317) 233-4579



United States Department of the Interior Fish and Wildlife Service



Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

March 23, 2010

Mr. Ray Magruder
CSX Transportation
500 Water Street – J200
Jacksonville, FL 32202

Project No: CSX abandonment of 3.71 miles in Terre Haute
County(ies): Vigo

Dear Mr. Magruder:

This responds to your letter dated March 10, 2010, requesting our comments on the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

Based on a review of the information you provided, the U.S. Fish and Wildlife Service has no objections to the project as currently proposed. This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinitiate consultation.

We appreciate the opportunity to comment at this early stage of project planning. If project plans change such that fish and wildlife habitat may be affected, please recoordinate with our office as soon as possible. If you have any questions about our recommendations, please call (812)334-4261.

Sincerely yours,

Scott E. Pruitt,
Field Supervisor



Attachment 10

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_Magruder@CSX.com

Ray Magruder
Manager - Network Rationalization

March 10, 2010

Mr. Paul Higginbotham, Chief
Indiana Department of Environmental Management
100 North Senate Street
Room N1255
Indianapolis, IN 46204-2222

Dear Mr. Higginbotham:

Please be advised that CSX Transportation (CSXT), Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 5.13 (Spring Hill) including the International Paper Lead, a combined distance of 3.71 miles known as a portion of the 1st Street Lead, Graham Grain Lead and the International Paper Lead in Terre Haute, Vigo County, Indiana, as depicted on the attached map.

It is CSXT's intention to abandon and subsequently reclassify approximately 1.35 miles of the proposed abandonment from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 2.77 (Helen Avenue) including the International Paper Lead. The Line has had only one customer, Gavilon Grain, over the last several years. The reclassification of the line will allow CSXT to lease or sell this segment of the Line so that Gavilon Grain can use the Line to receive rail service without becoming a common carrier.

The remaining 2.36 miles of the line from Railroad Milepost QST 2.77 (Helen Avenue) to Railroad Milepost QST 5.13 (Spring Hill) has been proposed to become a rails-to-trails by the City of Terre Haute and Vigo County.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

(iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

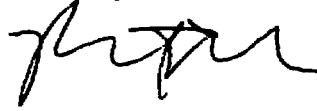
There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to be "J. P. [unclear]", written in a cursive style.

Attachment



Ray Magruder
Manager - Network Rationalization

Attachment 11

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_Magruder@CSX.com

March 10, 2010

Ms. Susanne Davis, Chief of Planning
U.S. Army Corps of Engineers
Chicago District
111 North Canal Street
Suite 600
Chicago, IL 60606-7206

Dear Ms. Davis:

Please be advised that CSX Transportation (CSXT), Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 5.13 (Spring Hill) including the International Paper Lead, a combined distance of 3.71 miles known as a portion of the 1st Street Lead, Graham Grain Lead and the International Paper Lead in Terre Haute, Vigo County, Indiana, as depicted on the attached map.

It is CSXT's intention to abandon and subsequently reclassify approximately 1.35 miles of the proposed abandonment from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 2.77 (Helen Avenue) including the International Paper Lead. The Line has had only one customer, Gavilon Grain, over the last several years. The reclassification of the line will allow CSXT to lease or sell this segment of the Line so that Gavilon Grain can use the Line to receive rail service without becoming a common carrier.

The remaining 2.36 miles of the line from Railroad Milepost QST 2.77 (Helen Avenue) to Railroad Milepost QST 5.13 (Spring Hill) has been proposed to become a rails-to-trails by the City of Terre Haute and Vigo County.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that CSXT develop a response to the following statement:

"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects."

It is CSXT's opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove CSXT's metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. CSXT does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and CSXT does not anticipate any dredging or use of fill in the removal of the track material. The track removal will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways.

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to be "J. H. Smith" or similar, written in a cursive style.

Attachment



Attachment 12

500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_Magruder@CSX.com

Ray Magruder
Manager - Network Rationalization

March 10, 2010

U.S. Environmental Protection Agency
Region 5
Attn: Mr. Ken Westlake (B19J)
77 West Jackson Blvd.
Chicago, IL 60604

Dear Mr. Westlake:

Please be advised that CSX Transportation (CSXT), Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 5.13 (Spring Hill) including the International Paper Lead, a combined distance of 3.71 miles known as a portion of the 1st Street Lead, Graham Grain Lead and the International Paper Lead in Terre Haute, Vigo County, Indiana, as depicted on the attached map.

It is CSXT's intention to abandon and subsequently reclassify approximately 1.35 miles of the proposed abandonment from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 2.77 (Helen Avenue) including the International Paper Lead. The Line has had only one customer, Gavilon Grain, over the last several years. The reclassification of the line will allow CSXT to lease or sell this segment of the Line so that Gavilon Grain can use the Line to receive rail service without becoming a common carrier.

The remaining 2.36 miles of the line from Railroad Milepost QST 2.77 (Helen Avenue) to Railroad Milepost QST 5.13 (Spring Hill) has been proposed to become a rails-to-trails by the City of Terre Haute and Vigo County.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

(iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

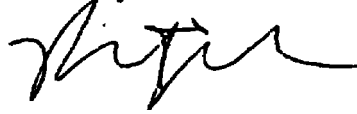
There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to be "J. H. [unclear]", written in a cursive style.

Attachment



500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: ray_magruder@csx.com

Ray Magruder
Manager – Network & Joint Facility Services

March 26, 2010

President – Vigo County Board of Commissioners
Vigo County Annex
121 Oak Street
Terre Haute, IN 47807

RE: CSXT Proposed Abandonment
Docket No. AB-55 (Sub No. 701X)

Dear Vigo County Board of Commissioners:

Please be advised that on April 30, 2010, CSX Transportation, Inc. (CSXT) expects to file a Petition for Abandonment with the Surface Transportation Board ("Board") seeking authority to abandon 3.71-miles of railroad from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 5.13 (Spring Hill) known as a portion of the 1st Street Lead, Graham Grain Lead and the International Paper Lead in Terre Haute, Indiana.

It is Applicant's intent to abandon and subsequently reclassify approximately 1.35 miles of the proposed abandonment from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 2.77 (Helen Avenue) including the International Paper Lead. The Line has had only one customer, Gavilon Grain, over the last several years. Reclassification of the line will allow Applicant to lease or sell this segment of the Line so that Gavilon Grain can use the Line to receive rail service without becoming a common carrier.

Abandonment of the remaining 2.36 miles of the line from Railroad Milepost QST 2.77 (Helen Avenue) to Railroad Milepost QST 5.13 (Spring Hill) will result in the removal of the rail, crossties, and possibly the upper layer of ballast. Applicant does not intend to disturb any sub grade or sub grade structures. Operations and maintenance of this line will cease. However, the corridor has been proposed to become a rails-to-trails by the City of Terre Haute and Vigo County.

Attached is a preliminary Environmental Report, provided so that you may review the information that will form the basis for the Board's independent analysis of this proceeding. We will incorporate into it any comments that we receive from you. Any comments received after the report is complete will be submitted to the Board under separate cover. If you believe any of the information is incorrect or pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA) at Surface Transportation Board, 395 E Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the Docket Number.

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated. If your comments have not been received by May 30, 2010, CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction. For your convenience, a response form has been attached to allow you to expedite the review process.

If there are any questions concerning this proposal, please contact me by telephone at (904) 633-1542, by e-mail or U.S. mail at the above address.

Sincerely,

A handwritten signature in black ink, appearing to be "John" or similar, written in a cursive style.

Attachments

Copy: STB - SEA, 395 E Street SW, Washington, DC 20423



500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: ray_magruder@csx.com

Ray Magruder
Manager – Network & Joint Facility Services

March 26, 2010

National Park Service
Midwest Region
Regional Director
601 Riverfront Drive
Omaha, NE 68102

RE: CSXT Proposed Abandonment
Docket No. AB-55 (Sub No. 701X)

Dear NPS:

Please be advised that on April 30, 2010, CSX Transportation, Inc. (CSXT) expects to file a Petition for Abandonment with the Surface Transportation Board ("Board") seeking authority to abandon 3.71-miles of railroad from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 5.13 (Spring Hill) known as a portion of the 1st Street Lead, Graham Grain Lead and the International Paper Lead in Terre Haute, Indiana.

It is Applicant's intent to abandon and subsequently reclassify approximately 1.35 miles of the proposed abandonment from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 2.77 (Helen Avenue) including the International Paper Lead. The Line has had only one customer, Gavilon Grain, over the last several years. Reclassification of the line will allow Applicant to lease or sell this segment of the Line so that Gavilon Grain can use the Line to receive rail service without becoming a common carrier.

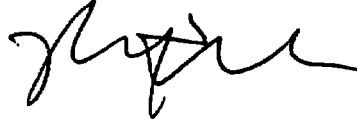
Abandonment of the remaining 2.36 miles of the line from Railroad Milepost QST 2.77 (Helen Avenue) to Railroad Milepost QST 5.13 (Spring Hill) will result in the removal of the rail, crossties, and possibly the upper layer of ballast. Applicant does not intend to disturb any sub grade or sub grade structures. Operations and maintenance of this line will cease. However, the corridor has been proposed to become a rails-to-trails by the City of Terre Haute and Vigo County.

Attached is a preliminary Environmental Report, provided so that you may review the information that will form the basis for the Board's independent analysis of this proceeding. We will incorporate into it any comments that we receive from you. Any comments received after the report is complete will be submitted to the Board under separate cover. If you believe any of the information is incorrect or pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA) at Surface Transportation Board, 395 E Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the Docket Number.

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated. If your comments have not been received by May 30, 2010, CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction. For your convenience, a response form has been attached to allow you to expedite the review process.

If there are any questions concerning this proposal, please contact me by telephone at (904) 633-1542, by e-mail or U.S. mail at the above address.

Sincerely,

A handwritten signature in black ink, appearing to be "John" or similar, written in a cursive style.

Attachments

Copy: STB - SEA, 395 E Street SW, Washington, DC 20423



Attachment 15

500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: ray_magruder@csx.com

Ray Magruder
Manager – Network & Joint Facility Services

March 26, 2010

Railroad Section Manager
Indiana Department of Transportation
Multimodal Division
100 North Senate Avenue, Room N 901
Indianapolis, IN 46204

RE: CSXT Proposed Abandonment
Docket No. AB-55 (Sub No. 701X)

Dear INDOT:

Please be advised that on April 30, 2010, CSX Transportation, Inc. (CSXT) expects to file a Petition for Abandonment with the Surface Transportation Board ("Board") seeking authority to abandon 3.71-miles of railroad from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 5.13 (Spring Hill) known as a portion of the 1st Street Lead, Graham Grain Lead and the International Paper Lead in Terre Haute, Indiana.

It is Applicant's intent to abandon and subsequently reclassify approximately 1.35 miles of the proposed abandonment from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 2.77 (Helen Avenue) including the International Paper Lead. The Line has had only one customer, Gavilon Grain, over the last several years. Reclassification of the line will allow Applicant to lease or sell this segment of the Line so that Gavilon Grain can use the Line to receive rail service without becoming a common carrier.

Abandonment of the remaining 2.36 miles of the line from Railroad Milepost QST 2.77 (Helen Avenue) to Railroad Milepost QST 5.13 (Spring Hill) will result in the removal of the rail, crossties, and possibly the upper layer of ballast. Applicant does not intend to disturb any sub grade or sub grade structures. Operations and maintenance of this line will cease. However, the corridor has been proposed to become a rails-to-trails by the City of Terre Haute and Vigo County.

Attached is a preliminary Environmental Report, provided so that you may review the information that will form the basis for the Board's independent analysis of this proceeding. We will incorporate into it any comments that we receive from you. Any comments received after the report is complete will be submitted to the Board under separate cover. If you believe any of the information is incorrect or pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA) at Surface Transportation Board, 395 E Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the Docket Number.

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated. If your comments have not been received by May 30, 2010, CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction. For your convenience, a response form has been attached to allow you to expedite the review process.



Attachment 16

500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: ray_magruder@csx.com

Ray Magruder
Manager – Network & Joint Facility Services

March 26, 2010

Mr. Gene Reibel
Gavilon Grain
11 ConAgra Drive
Omaha, NE 68102

RE: CSXT Proposed Abandonment
Docket No. AB-55 (Sub No. 701X)

Dear Mr. Reibel:

Please be advised that on April 30, 2010, CSX Transportation, Inc. (CSXT) expects to file a Petition for Abandonment with the Surface Transportation Board ("Board") seeking authority to abandon 3.71-miles of railroad from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 5.13 (Spring Hill) known as a portion of the 1st Street Lead, Graham Grain Lead and the International Paper Lead in Terre Haute, Indiana.

It is Applicant's intent to abandon and subsequently reclassify approximately 1.35 miles of the proposed abandonment from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 2.77 (Helen Avenue) including the International Paper Lead. The Line has had only one customer, Gavilon Grain, over the last several years. Reclassification of the line will allow Applicant to lease or sell this segment of the Line so that Gavilon Grain can use the Line to receive rail service without becoming a common carrier.

Abandonment of the remaining 2.36 miles of the line from Railroad Milepost QST 2.77 (Helen Avenue) to Railroad Milepost QST 5.13 (Spring Hill) will result in the removal of the rail, crossties, and possibly the upper layer of ballast. Applicant does not intend to disturb any sub grade or sub grade structures. Operations and maintenance of this line will cease. However, the corridor has been proposed to become a rails-to-trails by the City of Terre Haute and Vigo County.

Attached is a preliminary Environmental Report, provided so that you may review the information that will form the basis for the Board's independent analysis of this proceeding. We will incorporate into it any comments that we receive from you. Any comments received after the report is complete will be submitted to the Board under separate cover. If you believe any of the information is incorrect or pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA) at Surface Transportation Board, 395 E Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the Docket Number.

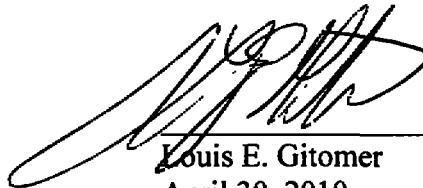
Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated. If your comments have not been received by May 30, 2010, CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction. For your convenience, a response form has been attached to allow you to expedite the review process.

EXHIBIT C-HISTORIC REPORT

CERTIFICATE OF SERVICE OF HISTORIC REPORT

Pursuant to the requirements of 49 C.F.R. §1105.8(c) and .11, the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 701X) was mailed via first class mail on March 19, 2010, to the following party:

Ms. Karie Brudis
Indiana State Historic Preservation Office
402 West Washington Street
Room W274
Indianapolis, IN 42604



Louis E. Gitomer
April 30, 2010



500 Water Street - J200
Jacksonville, FL 32202
Tel. (904) 633-1542
Fax (904) 245-3923
E-Mail: Ray_Magruder@csx.com

Ray Magruder
Manager - Network & Joint Facility Services

March 19, 2010

Ms. Karle Brudis
Indiana State Historic Preservation Office
402 West Washington Street
Room W274
Indianapolis, IN 42604

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket AB-55 (Sub-No. 701X)

Dear Ms. Brudis:

Please be advised that CSX Transportation, Inc. (CSXT) is considering an abandonment over approximately Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 5.13 (Spring Hill) including the International Paper Lead, a combined distance of 3.71 miles known as a portion of the 1st Street Lead, Graham Grain Lead and the International Paper Lead in Terre Haute, Vigo County, Indiana as shown in the attached historic report.

It is CSXT's intent to abandon and subsequently reclassify approximately 1.35 miles of the proposed abandonment from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 2.77 (Helen Avenue) including the International Paper Lead. The Line has had only one customer, Gavilon Grain, over the last several years. The reclassification of the line will allow CSXT to lease or sell this segment of the Line so that Gavilon Grain can use the Line to receive rail service without becoming a common carrier.

The remaining 2.36 miles of the line from Railroad Milepost QST 2.77 (Helen Avenue) to Railroad Milepost QST 5.13 (Spring Hill) has been proposed to become a rails-to-trails by the City of Terre Haute and Vigo County.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a Historic Report covering the above proposed discontinuance.

CSXT would greatly appreciate receiving a letter from your office confirming that this project will have no impact upon any cultural resources.

If you have questions, please feel free to call me.

Sincerely,

Attachment

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
1st Street Lead, Graham Grain Lead
and the International Paper Lead,
Terre Haute, Vigo County, Indiana
DOCKET AB-55 (SUB-NO. 701X)**

1105.7(e)(1)

PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSXT (Applicant) proposes to abandon approximately 3.71 miles of its rail line from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 5.13 (Spring Hill) known as a portion of the 1st Street Lead, Graham Grain Lead and the International Paper Lead in Terre Haute, Vigo County, Indiana.

It is Applicant's intent to abandon and subsequently reclassify approximately 1.35 miles of the proposed abandonment from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 2.77 (Helen Avenue) including the International Paper Lead. The Line has had only one customer, Gavilon Grain, over the last several years. Reclassification of the line will allow Applicant to lease or sell this segment of the Line so that Gavilon Grain can use the Line to receive rail service without becoming a common carrier.

Abandonment of the remaining 2.36 miles of the line from Railroad Milepost QST 2.77 (Helen Avenue) to Railroad Milepost QST 5.13 (Spring Hill) will result in the removal of the rail, crossties, and possibly the upper layer of ballast. Applicant does not intend to disturb any sub grade or sub grade structures. Operations and maintenance of this line will cease. However, the corridor has been proposed to become a rails-to-trails by the City of Terre Haute and Vigo County.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2)

1105.8(d)

- (1) **A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.**

Attached is a copy of the Terre Haute Quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black over red line. (See Attachment 3)

There are no CSXT-owned structures that are 50 years old or older that may be eligible for listing in the National Register as part of the proposed action.

- (2) **A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The right of way is approximately 40 feet from the centerline of track. The line runs from the Spring Hill, Indiana area northeast then north through the City of Terre Haute through a combination of residential, commercial and light industrial portion of town.

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

Not applicable.

- (4) **The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:**

Not applicable.

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:**

This property was acquired in approximately 1885 by the Evansville, Indianapolis & Terre Haute Railway (EITR). Soon after its creation the EITR was acquired by the Cleveland, Cincinnati, Chicago and St. Louis Railway (CCC&StL.), also known as the Big Four Railroad. The CCC&StL was acquired in 1906 by the New York Central Railroad. The former lines of CCC&StL were incorporated into Penn Central in 1968 with the merger of New York Central Railroad and the Pennsylvania Railroad. Penn Central declared bankruptcy in 1970 and the line was included in the lines of the newly formed Consolidated Rail Corporation (Conrail).

In 1999, CSX Corporation, CSX Transportation's (CSXT) parent company, and Norfolk Southern Corporation (NS) jointly acquired control of Conrail.

As a result of the proposed action, operation of the line will continue and possibly increase. There is an opportunity through the regulatory process for other carriers to acquire the line for continued operations.

- (6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:**

Not applicable.

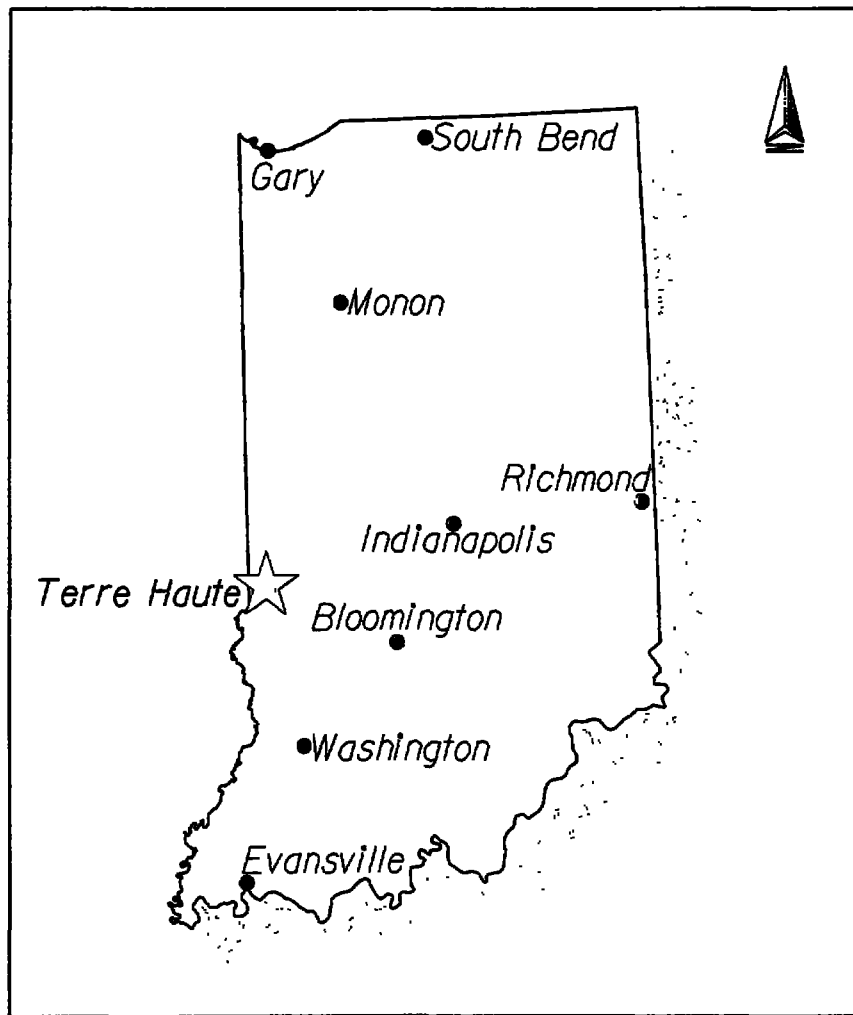
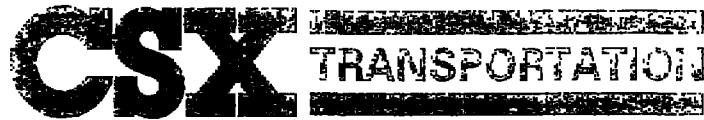
- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):**

A review of our records indicates there are no CSXT-owned structures over 50 years old on this line segment that are may be eligible for listing in the National Register.

CSXT does not know of any archeological resources or any other previously unknown historic properties in the project area.

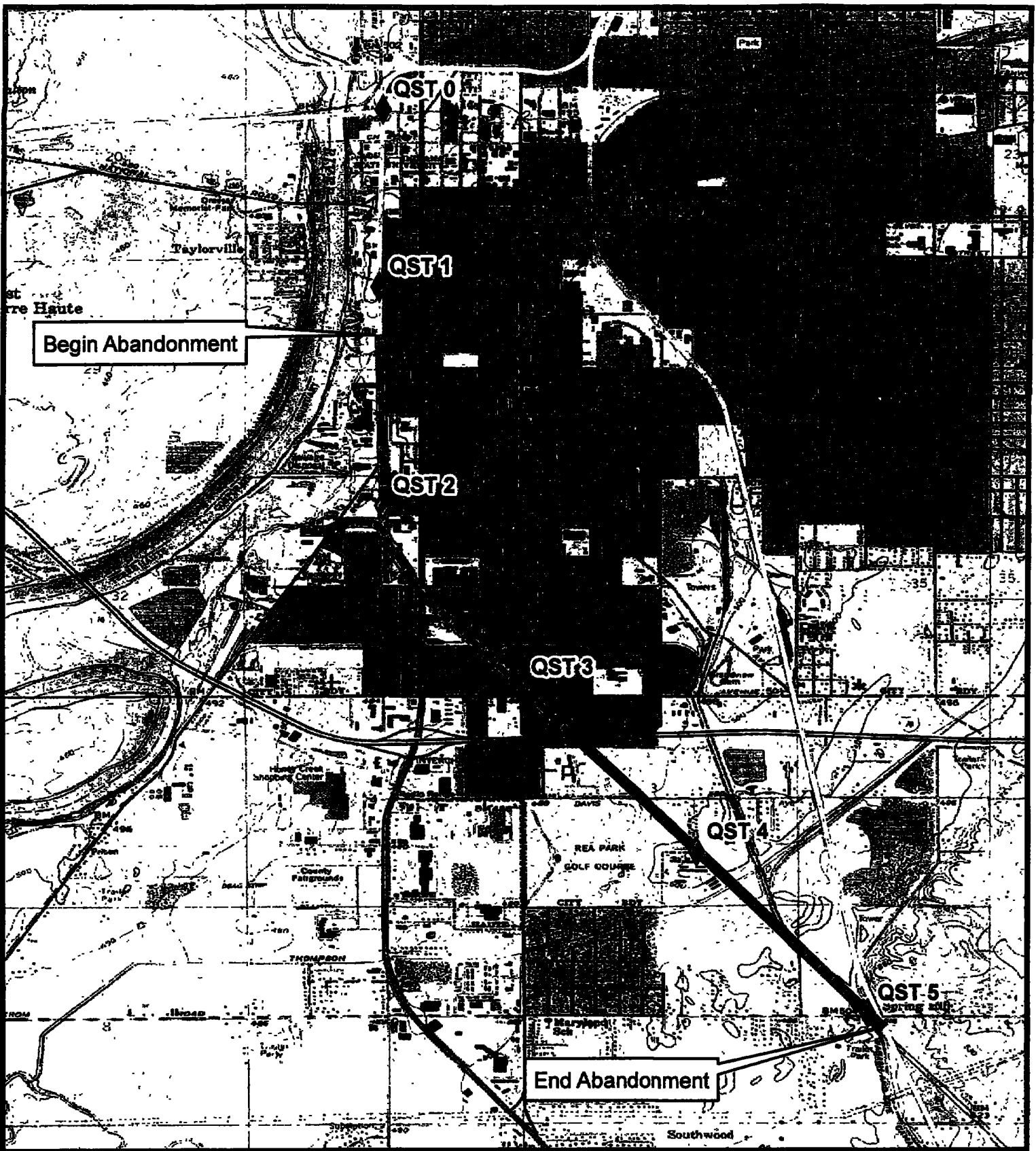
- (8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.




AREA MAP

- Proposed Abandonment -
A Portion of the 1st Street Lead, the IP Lead
& the Graham Grain Lead Track,
Milepost QST 1.42 (at Park St.) to QST 5.13 (Spring Hill),
a distance of 3.71 miles,
Terre Haute, Vigo County, Indiana



Legend

 SUBJECT
CSX

Approximate Latitude and Longitude at QST 1.42 (Park St.):
 $N39^{\circ}27'27.60''W87^{\circ}25'0.01''$
 Topo: USGS 24k Terre Haute Quad (USGS_QD_ID: 39087-D4)
 Projection is: GCS_WGS_1984 - UTM Zone 16 (NAD83)

CSX
 REAL PROPERTY
 GIS MAPPING SERVICES

Drawn By: L. Fenwick
 Rev. Date: Feb. 24, 2010

EXHIBIT D–FEDERAL REGISTER NOTICE

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN VIGO COUNTY, IN

Notice of Petition for Exemption to Abandonment

On April 30, 2010 CSX Transportation, Inc. (“CSXT”) filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a 3.71-mile rail line on its Southern Region, Nashville Division, CE&D Subdivision between milepost QST 1.42 (Park Street), and milepost QST 5.13 (Spring Hill), all in Terre Haute, Vigo County, IN, all of which traverses through United States Postal Service ZIP Code 47802 (the “Line”). The Line contains the International Paper Lead, and portions of the Graham Grain Lead and the 1st Street Lead. The Line for which the abandonment exemption request was filed includes no stations.

The Line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

The interest of railroad employees of CSXT will be protected by *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the FEDERAL REGISTER.

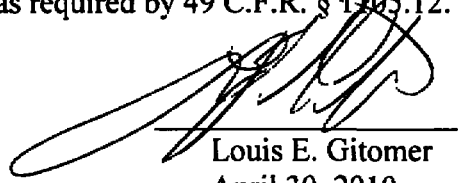
Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

EXHIBIT E-NEWSPAPER CERTIFICATION

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 701X) was advertised on April 23, 2010 in The Tribune Star, a newspaper of general circulation in Vigo County, IN, as required by 49 C.F.R. § 1105.12.



Louis E. Gitomer
April 30, 2010

CSX Transportation, Inc. gives notice that on or about April 30, 2010 it intends to file with the Surface Transportation Board (the "Board"), Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, permitting the abandonment of a 3.71-mile rail line on its Southern Region, Nashville Division, CE&D Subdivision between milepost QST 1.42 (Park Street), and milepost QST 5.13 (Spring Hill), all in Terre Haute, IN, known as the 1st Street Lead, Graham Grain Lead, and International Paper Lead, which traverses through United States Postal Service ZIP Code 47802 in Vigo County, IN (the "Line"). The proceeding has been docketed as No. AB-55 (Sub-No. 701X).

The Board's Section of Environmental Analysis ("SEA") will generally prepare an Environmental Assessment ("EA"), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to SEA, Surface Transportation Board, Washington, DC 20423 or by calling SEA at 202-245-0295

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0233. Copies of any comments or requests for conditions should be served on the applicant's representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgrailaw.com.

EXHIBIT F—LETTER OF SUPPORT

1



3/5/2010

Mr. Ray Magruder
Manager – Network Rationalization
CSXT Transportation, Inc.
500 Water Street, J200
Jacksonville, FL 32202

Dear Mr. Magruder:

Gavilon, Inc. has been advised that CSX Transportation (CSXT) intends to seek approval from the Surface Transportation Board (Board) to abandon, and subsequently downgrade, a portion of its railroad from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 5.13 (Spring Hill) a distance of 3.71 miles known as a portion of the 1st Street Lead, Graham Grain Lead and the International Paper Lead in Terre Haute, Vigo County, Indiana.

Gavilon, Inc. is aware that CSXT intends to abandon and subsequently reclassify approximately 1.35 miles of the proposed abandonment from Railroad Milepost QST 1.42 (Park Avenue) to Railroad Milepost QST 2.77 (Helen Avenue) including the International Paper Lead. The remaining 2.36 miles of the line from Railroad Milepost QST 2.77 (Helen Avenue) to Railroad Milepost QST 5.13 (Spring Hill) has been proposed to become a rails-to-trails by the City of Terre Haute and Vigo County.

Since CSXT is undertaking the proposed action to accommodate a post-abandonment lease or sale of the track to allow for continued, and possibly increased rail use, the proposed abandonment will not have an adverse impact on our rail service. We do not oppose the proposed abandonment.

We understand that you will submit this letter to the Board as part of the proceedings on the proposed abandonment.

Sincerely,

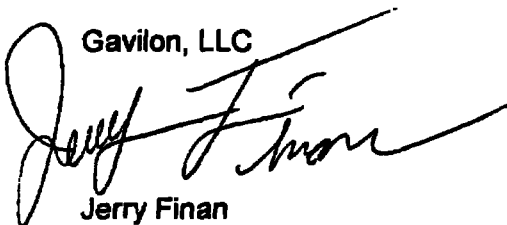
Gavilon, LLC

Jerry Finan

EXHIBIT G—CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. §1152.60(d), the undersigned hereby certifies that the Petition for Exemption in Docket No. AB-55 (Sub-No. 701X), *CSX Transportation, Inc.—Abandonment Exemption—in Vigo County, IN* was mailed via first class mail, postage prepaid, on April 30, 2010, to the following parties:

State Public Service Commission

Indiana Utility Regulatory Commission
National City Center
101 West Washington Street
Suite 1500 E
Indianapolis, IN 46204

Indiana Department of Transportation
Rail Section
100 N. Senate Ave.
Room N 955
Indianapolis, IN 46204

Military Surface Deployment and Distribution Command Transportation Engineering Agency

Headquarters
Military Surface Deployment and Dist Cmd
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

National Park Service

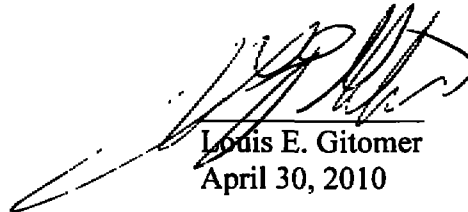
Rivers, Trails and Conservation Assistance Program
National Park Service
ATTN: Mr. Rick Potts, Program Chief
1201 I Street, N.W. (Org. Code 2220)
Washington, DC 20005

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1201 I Street, N.W. (Org. Code 2220)
Washington, DC 20005

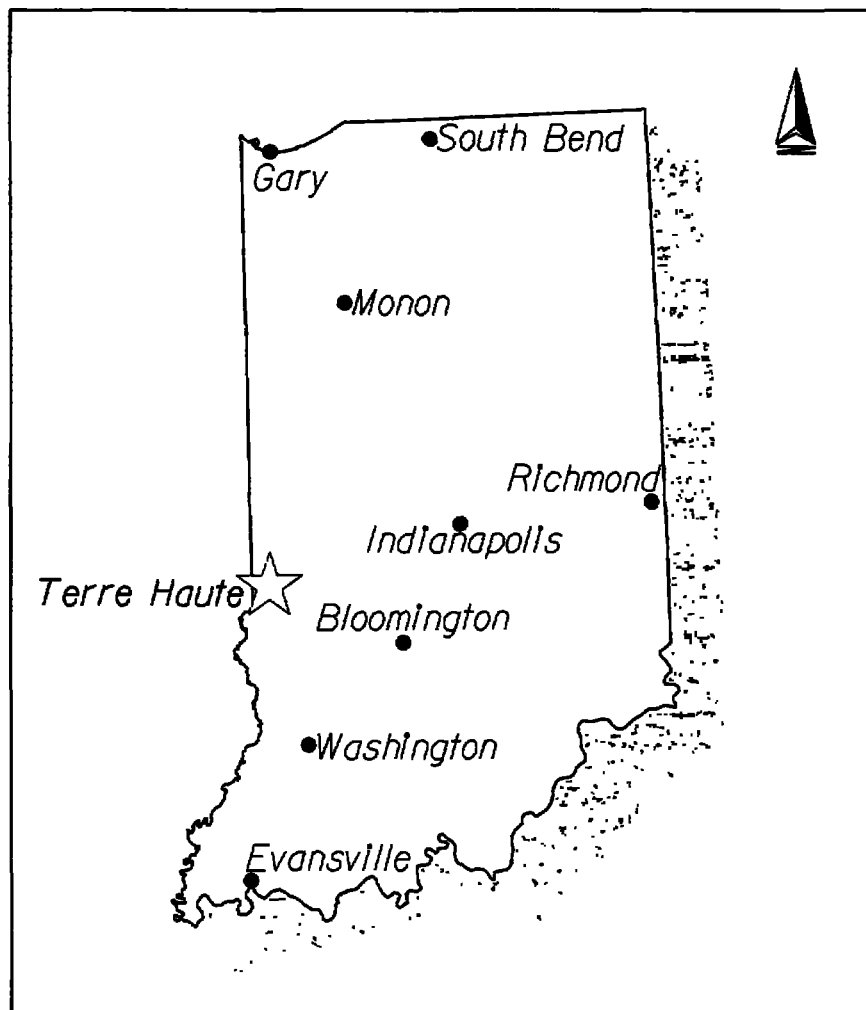
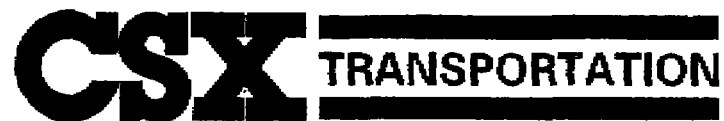
U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors' Building
14th Street and Independence Avenue, S.W.
Washington, DC 20250



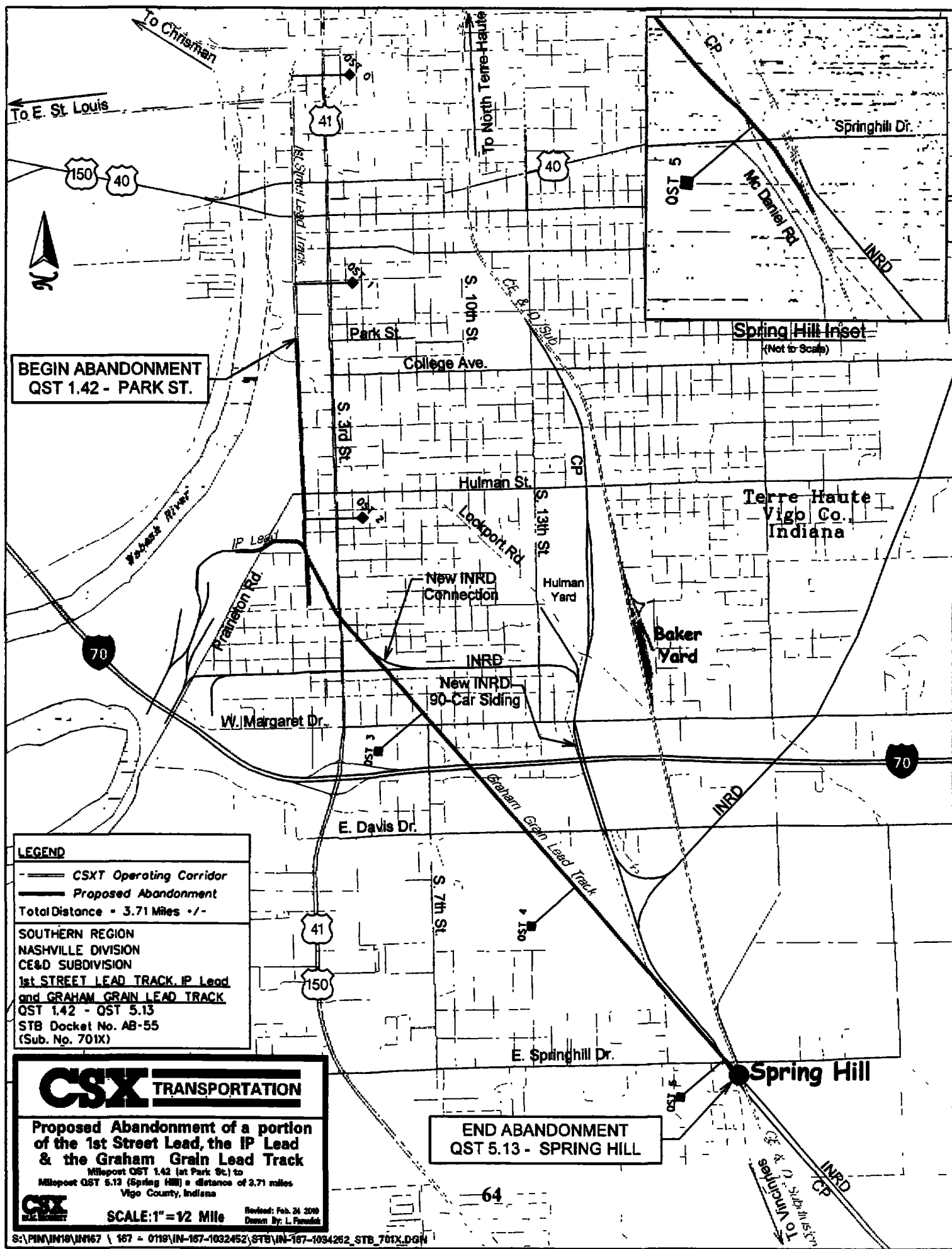
Louis E. Gitomer
April 30, 2010

EXHIBIT H—COLOR

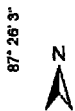
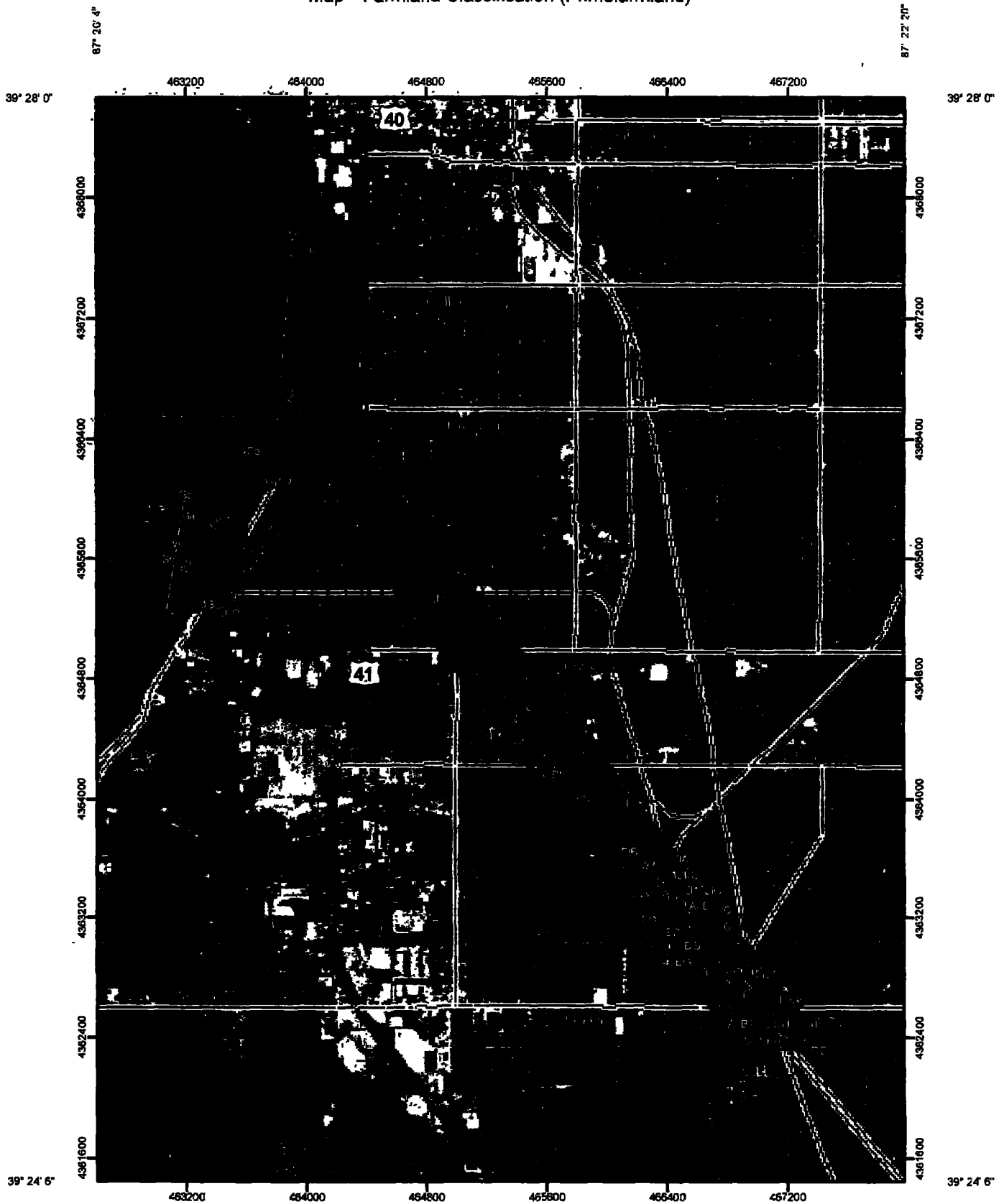


AREA MAP

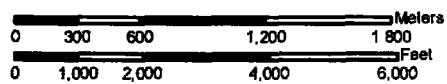
- Proposed Abandonment -
A Portion of the 1st Street Lead, the IP Lead
& the Graham Grain Lead Track,
Milepost QST 1.42 (at Park St.) to QST 5.13 (Spring Hill),
a distance of 3.71 miles,
Terre Haute, Vigo County, Indiana

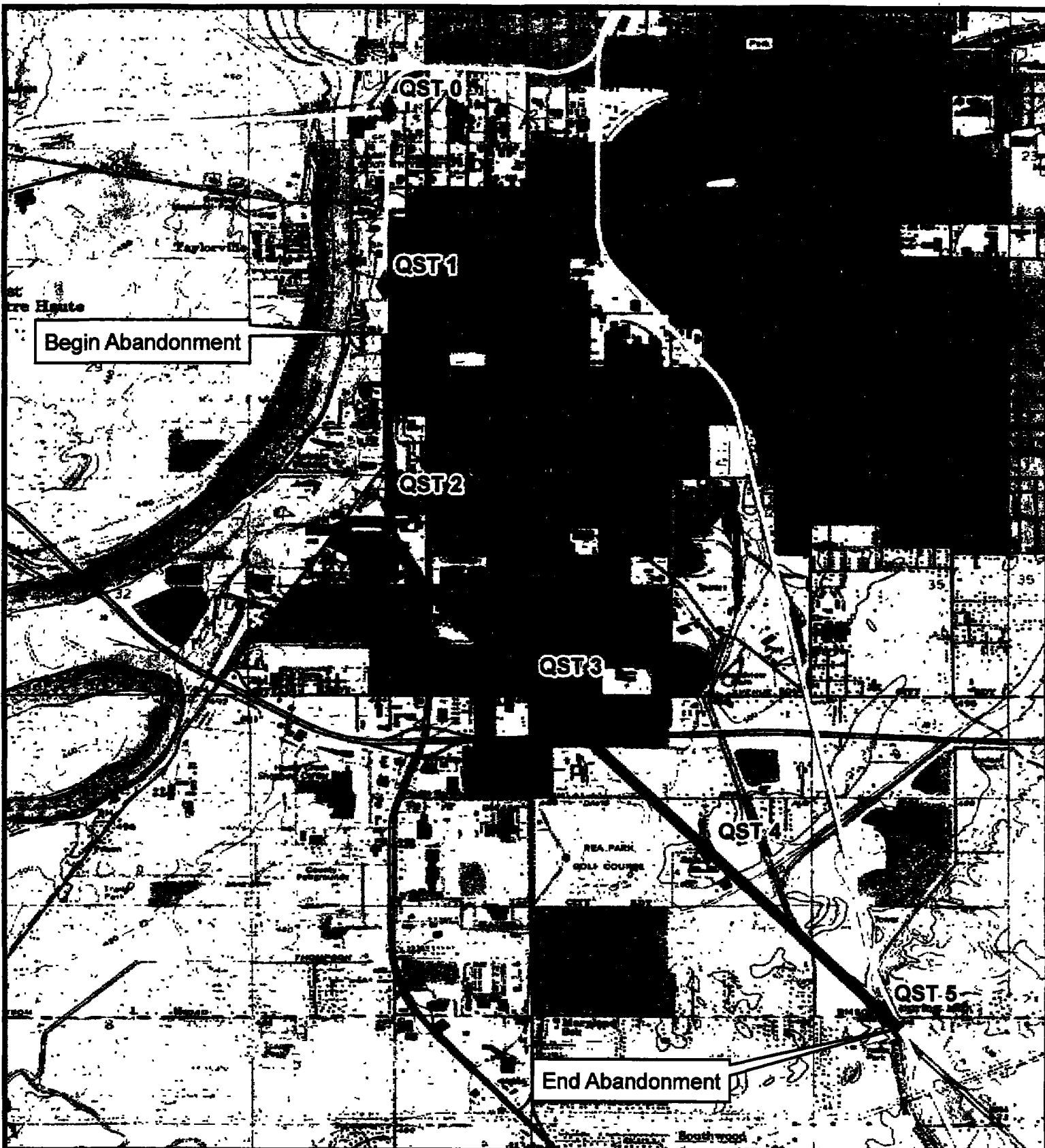


Custom Soil Resource Report Map—Farmland Classification (Primefarmland)




Map Scale 1:34 400 if printed on A size (8 5/8" x 11") sheet





Legend

 **SUBJECT**
CSX

Approximate Latitude and Longitude at QST 1.42 (Park St.):

N39° 27' 27.60" W87° 25' 0.01"

Topo: USGS 24k Terre Haute Quad (USGS_QD_ID: 39087-D4)

Projection is: GCS_WGS_1984 - UTM Zone 16 (NAD83)

CSX
REAL PROPERTY
GIS MAPPING SERVICES

Drawn By: L. Fenwick
Rev. Date: Feb 24, 2010